

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DENAE L. ENKEY
Plaintiff,

vs.

NELSON CRUZ & ASSOCIATES, LLC
Defendant.

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Civil Action No. 3:19-CV-02039-B
Referred to U.S. Magistrate Judge

ANSWER

Defendant, Nelson Cruz & Associates, LLC (hereinafter, “Defendant”), by and through its undersigned counsel, Le Brocq & Horner, PLLC, files it’s Answer to Plaintiff’s Complaint, and hereby states as follows:

NATURE OF THE ACTION

1. Paragraph 1 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

JURISDICTION AND VENUE

2. Paragraph 2 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.
3. Paragraph 3 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

PARTIES

4. After reasonable investigation, Defendant is without knowledge of information sufficient to either admit or deny the allegations contained in Paragraph 4 and therefore denies them.

5. Admit that Defendant is a collection agency with its headquarters located at 9335 Forest Lane, Suite 114, Dallas, Texas 75243. Deny remaining allegations. Defendant's registered agent is Le Brocq & Horner, PLLC and the registered agent address is: 2150 North Josey Lane, Suite 227, Carrollton, Texas 75006—where undersigned was personally served with process.
6. Paragraph 6 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.
7. Admit.

FACTS SUPPORTING CAUSE OF ACTION

8. After reasonable investigation, Defendant is without knowledge of information sufficient to either admit or deny the allegations contained in Paragraph 8 and therefore deny them.
9. After reasonable investigation, Defendant is without knowledge of information sufficient to either admit or deny the allegations contained in Paragraph 9 and therefore deny them.
10. After reasonable investigation, Defendant is without knowledge of information sufficient to either admit or deny the allegations contained in Paragraph 10 and therefore deny them.
11. After reasonable investigation, Defendant is without knowledge of information sufficient to either admit or deny the allegations contained in Paragraph 11 and therefore deny them.
12. After reasonable investigation, Defendant is without knowledge of information sufficient to either admit or deny the allegations contained in Paragraph 12 and therefore deny them.
13. Paragraph 13 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

14. Paragraph 14 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.
15. After reasonable investigation, Defendant is without knowledge of information sufficient to either admit or deny the allegations contained in Paragraph 15 and therefore deny them.
16. After reasonable investigation, Defendant is without knowledge of information sufficient to either admit or deny the allegations contained in Paragraph 16 and therefore deny them.
17. After reasonable investigation, Defendant is without knowledge of information sufficient to either admit or deny the allegations contained in Paragraph 17 and therefore deny them.
18. After reasonable investigation, Defendant is without knowledge of information sufficient to either admit or deny the allegations contained in Paragraph 18 and therefore deny them.
19. Deny.
20. Deny.
21. Deny.
22. Deny.
23. Admit.
24. After reasonable investigation, Defendant is without knowledge of information sufficient to either admit or deny the allegations contained in Paragraph 24 and therefore deny them.

**COUNT I- DEFENDANT'S VIOLATIONS OF THE FAIR DEBT
COLLECTION PRACTICES ACT**

25. Defendant hereby incorporates its answers to the allegations in paragraphs 1-24.

26. Paragraph 26 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

27. Paragraph 27 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

28. Paragraph 28 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

29. Paragraph 29 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

30. Paragraph 30 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

31. Paragraph 31 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

a. Violations of FDCPA §1692d

32. Deny.

b. Violations FDCPA §1692e

33. Paragraph 33 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

34. Deny.

35. Deny.

36. Deny.

37. Deny.

38. Deny.

39. Deny.

c. Violations FDCPA §1692f

40. Deny.

41. Deny.

42. Paragraph 42 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

43. Deny.

44. Deny.

WHEREFORE, Defendant request that Plaintiff go hence without day and this cause be dismissed with court costs assessed against Plaintiff.

**COUNT II- DEFENDANTS' [SIC] VIOLATIONS OF THE TEXAS
DEBT COLLECTION ACT**

45. Defendant hereby incorporates its answers to the allegations in paragraphs 1-44.

46. Paragraph 46 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

47. Paragraph 47 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

48. Paragraph 48 sets forth conclusions of law to which no response is required. To the extent that any facts are alleged, Defendant denies them.

49. The statute cited in paragraph 49 speaks for itself and therefore no factual response is required. To the extent that paragraph 49 makes any material allegations, those are denied.

50. Deny.

51. Deny.

52. Deny.

53. Deny.

WHEREFORE, Defendant request that Plaintiff go hence without day and this cause be dismissed with court costs assessed against Plaintiff.

GENERAL DENIAL

Defendant denies any and all remaining allegations set forth in Plaintiff's Complaint not herein previously admitted or denied.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim upon which relief may be granted.
2. Plaintiff's claims are barred by the doctrine of laches, unclean hands, waiver and/or estoppel.
3. Plaintiff has failed to bring her claims within the applicable statute of limitations.
4. Defendant reserves its right to amend its answer and defenses as more information is obtained.

BAD FAITH

Defendant hereby alleges that this instance FDCPA case was brought in bad faith and for the purposes of harassment. Accordingly, defendants will be requesting attorney's fees pursuant to 15 U.S.C. §1692k(a)(3) and pursuant to the Texas Debt Collection Act.

WHEREFORE, Defendant respectfully request that Plaintiff take nothing by way of her Complaint; that judgment be entered in Defendant's favor; for the reasonable fees and costs relating to the defense of this action; and for all other just and proper relief in the premises.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT NELSON CRUZ &
ASSOCIATES, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of October 2019, a true and correct copy of the above and foregoing was served upon all counsel of record in accordance with the Federal Rules of Civil Procedure via the CM/ECF system of the United States District Court for the Northern District of Texas.

/s/ Stephen Le Brocq
Stephen Le Brocq